CWP No.675 of 2005

11.6.2007 Present : Mr.Onkar Jairath, counsel for the petitioner.
Mr.M.S.Chandel, A.G. with Mr.R.M.Bisht, Dy.A.G.
for respondents 1 to 3.

The prayer of the petitioner in the main writ petition is that the respondents be directed to take immediate steps to grant license for setting up Pollution Check Centers at Miserwala, Mazra, Dholakuan and Kolar in Tehsil Paonta Sahib. Reply has been filed by the State and on 30.3.2007 we had passed the following order:

> "One of the questions which arises in this writ petition is:-
>
> > "What is the procedure followed for licensing the Centers authorized to issue Pollution Under Control Certificate under the provisions of Section 190 of the Motor Vehicles Act read with Rule 115 of the Central Motor Vehicles Act, 1989."
> >
> > It appears that there are no rules or guidelines framed in this behalf. We direct the learned Advocate General to take up the matter with the State Government and if the rules and guidelines have not been framed till now, the same be framed within eight weeks from today. List the matter on 11th June, 2007."

In response to the aforesaid order passed by this Court, the State has filed a supplementary affidavit affirmed by the Under Secretary (Transport) to the Government of Himachal Pradesh in which it has been stated that a scheme for setting up of Pollution Check Centers for issuing Pollution Under Control Certificates to Motor Vehicles has been formulated and circulated vide letter dated 10th February, 2004. The relevant amendment has also been made in the H.P. Motor Vehicles Rules. It has also been averred in the affidavit that the security has been reduced from Rs.25,000/- to Rs.15,000/-. It is thus obvious that any person can apply for grant of

permission to set-up the Center to issue Pollution Under Control Certificate as long as it meets the norms laid down by the Government.

In view of the above, nothing survives in the writ petition which is accordingly disposed of. No costs.

CMP No.1372 of 2005:

In view of the disposal of the main writ petition, this application is also disposed of.

(Deepak Gupta),
A.C.J.

June 11, 2007 **(V.K. Ahuja)**
PV **Judge.**